

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: AR 301 (10/11/03)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 301 SHIFT BIDDING TEMP	EFFECTIVE DATE: 04/05/04

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PURPOSE

The purpose of this regulation is to describe a policy and process for the assignment of shifts and posts for the security staff at institutions and facilities of this Department.

AUTHORITY

NRS 209.131

RESPONSIBILITY

It is the responsibility of the Wardens to conduct shift bidding at their institutions and facilities in accordance with the requirements of this regulation. Actions required for the conducting of shift bidding cannot be delegated lower than an Associate Warden.

It is the responsibility of the individual staff member subject to shift bidding to familiarize themselves with the requirements of this regulation and participate in the authorized process according to its requirements.

DEFINITIONS

HARDSHIP – A personal situation related to a requirement to provide direct care to an immediate family member or childcare for a single parent.

MANAGEMENT ACTION – Discipline or administrative actions to include, but not limited to, sanctions, transfers, grievance resolution.

MODIFIED LIGHT DUTY ASSIGNMENT– Temporary modification of a regular job assignment or alternate work while an employee is recovering from a medical condition.

POSITION – An authorization to hire staff to fill posts on the legislatively approved Post Chart.

POST – A location or set of tasks to which staff is assigned and which are approved and documented on the legislatively approved Post Chart.

RDO – Regular days off.

SENIORITY – The length of service in the current rank of the employee, compared to employees of the same rank, at the same institution from the date that the rank was first obtained by the employee.

SHIFT – A scheduled period of work or duty.

APPLICABILITY

This regulation applies to all Correctional Officers and Senior Correctional Officers who are authorized to participate in a shift bidding process. It also applies to Department managers charged with the responsibility of conducting a shift bidding process.

PROCEDURES

301.01 SHIFT BIDDING

1.1 Shift bidding will be conducted at all institutions and facilities having more than 20 Senior Correctional Officers and Correctional Officers on the Legislatively approved staffing chart, except as described below.

- Shift bidding is for posts, not regular days off (RDO); and
- Staff moves, not numbers will be used in this process.

1.2 Methods

1.2.1 The Appointing Authority shall identify each post's minimal required training, experience, special licenses, and other requirements on a Post Chart. The Assistant Director of Operations must approve an institution's Post Chart prior to shift bidding.

1.2.2 The appointing authority may deny a bid based on the special requirements of that post. The Assistant Director of Operations shall determine which posts are filled subject to approval by the appointing authority based on a justification submitted by the warden or his designee in writing. The appointing authority may only deny a bid based on specific job related requirements established by the Assistant Director of Operations prior to shift bidding.

1.2.3 The appointing authority may exclude up to 12.5% of Correctional Officer Posts in the institutions or facilities from the bid process for the purpose of shift rotation for Correctional Officer Trainees. The actual number of posts (less than 12.5%) excluded may be determined by an evaluation of the presence of Correctional Officer Trainees in the work force and projected hiring practices and plans.

1.2.4 Management may allow for the assignment of an Officer to a shift for which they do not have seniority based on a specific, documented hardship.

- Officers must notify the Warden's office in writing thirty-days (30) prior to the beginning of an Annual Shift Bid process or ten-days (10) prior to the announcement of a vacant post.

1.2.5 Officers will be awarded their bids based on their seniority in their rank with the following restrictions.

1.2.5.1 The bidding employee must be eligible to bid. An eligible Employee.

1.2.5.2 Must be a permanent full-time Senior Correctional Officer or Correctional Officer. Lieutenants, Sergeants, and Correctional Officer Trainees may not participate in shift bidding.

1.2.5.3 Correctional Officer Trainees may bid in the first bidding process after their promotion to Correctional Officer and for any vacancies that occur after their promotion and before the next annual shift bidding process.

1.2.5.4 Employees on open extended military or medical or other extended leave may not participate in shift bidding if they are not present during Annual Shift Bidding.

1.2.5.5 Upon their return to their duty station, they may bid for any current vacant position and participate in the next bidding process.

1.2.5.6 Must be permanently assigned to and working at the institution. Eligible employees may participate only in their institution's shift bid process.

1.2.5.7 There shall be no inter-institutional bidding.

1.2.5.8 There shall be no trading of positions.

1.2.5.9 The bidding employee must meet the position requirements as established by the appointing authority.

1.2.5.10 Bids for annual leave may not exceed 14 - days in any 30-day period. Requests for longer periods may be accommodated, based on the available relief factor, after annual shift bidding has closed.

1.2.5.11 Bids for annual leave cannot be for more time than the annual leave time the employee is projected earn over the next calendar year.

- If by the end of calendar year, an employee will exceed 240-hours, they must apply for a sufficient amount of leave to be below this amount by the end of the calendar year.
- Additional leave may be requested through the end of the calendar year. It will be approved on a case-by-case basis.

1.3 New institutions and facilities are exempted from the bidding requirements until authorized by the Assistant Director of Operations.

1.4 The Bid Process

1.4.1 Shift bidding will consist of two (2) processes. One process for Annual Shift Bidding and another process for filling vacancies on a continual basis as they arise throughout the year.

1.4.2 Annual Shift Bidding includes a bid for the shift to be worked, regular days off, and annual leave days for the following calendar year.

1.4.3 Seniority

1.4.3.1 An officer loses seniority in the event of a break in service.

- 1.4.3.2 An officer loses seniority if laid-off and not re-employed in the class of layoff within one-year (1).
- 1.4.3.3 Employees on extended leave or that transfer or are reassigned to the institution and Correctional Officer Trainees that become eligible for shift bidding will be added to Seniority List in the order of their seniority. An employee added to a Seniority List that contests their ranking must meet all time deadlines. Annual Shift Bidding shall not be delayed because an employee has missed a deadline regardless of the circumstances.
- 1.4.3.4 Any officer that becomes eligible to shift bid through transfer, reassignment, relocation, or completion of training, etc. will be added to the Seniority List throughout the year according to their seniority.
- 1.4.3.5 All officers that leave the institution through transfer, reassignment, ineligibility, extended leave, etc. will be removed from the Seniority List by the appointing authority.

1.4.4 Timing

- 1.4.4.1 Annual Shift Bidding will occur every year, during November, for the following calendar year.
- 1.4.4.2 Ninety-days (90) prior to Annual Shift Bidding the Warden shall provide a Post Chart detailing all minimal job requirements and any justification for posts excluded from open shift bidding to the Associate Director of Operations.
- The Associate Director of Operations may amend the Post Chart and approve or disapprove all excluded posts.
 - The Warden or his designee shall use the amended Post Chart for Annual Shift Bidding.
- 1.4.4.3 Thirty-days (30) prior to shift bidding the Warden or his designee shall post the amended Post Chart and a listing of all employees eligible to participate in shift bidding. At this point an officer may grieve his position on the Seniority List.
- Employees have ten-days (10) to file a grievance contesting their position on the Seniority List after the Seniority List is posted. The Appointing Authority shall answer the grievance within in five (5) days after it is received.

- An employee may file an appeal to the Assistant Director of Operations within five days of receiving their response. The Assistant Director of Operations shall approve or deny all received appeals thirty-five-days (35) prior to Annual Shift Bidding. All appeals that have not been received by the Assistant Director of Operations forty-days (40) prior to shift bidding are considered late and denied.

1.4.4.4 Sixty-days (60) prior to Annual Shift Bidding the appointing authority shall post a revised Seniority List along with the Post Chart.

- The Post Chart will describe in writing the positions qualifications, RDO's, shift, and any special requirements.
- The Seniority List will be adjusted throughout the year to account for individual's progression through rank and transfers. An up-to-date Seniority List will be used in the event the appointing authority exercises the option to fill a vacancy through shift bidding before the annual bidding process.
- The Seniority List will give the time and location when the bidder shall submit their bid.
- The posted documents will be date/time stamped as to the time of posting and the time of their removal.

1.5 Annual Shift Bidding Period.

1.5.1 Bidding will be done on a Board that indicates the Posts and related RDO's with space for an officer to enter his name, indicating a bid.

1.5.2 Staff will be called to the Board in order of seniority and be provided up to ten-minutes (10) to select a post from those available on the Board.

1.5.3 Each officer has the responsibility to be present during Annual Shift Bidding. If an eligible officer wants to participate in shift bidding and is aware of a scheduled absence, they may notify the warden in writing as soon as practical prior to Annual Shift Bidding.

1.5.3.1 In the notification, they may name a proxy. It is the absent officer's responsibility to notify the proxy and pass on any instructions. The appointing authority shall consider decisions made by the proxy to be binding.

1.5.3.2 If an employee is absent for an unplanned reason the employee may bid over the phone, after supervisors have ensured the identity of the employee.

1.5.3.3 The appointing authority is not responsible for any errors, mistakes, failure to follow policy, missed deadlines or any other action or omissions made by the proxy. The appointing authority shall assign and post times for shift bidding. Eligible employees or their proxy must be present and must bid during that period.

1.5.3.4 A no call, or no show at the time scheduled for the employee's bid is a forfeiture of seniority until the time that the employee finally appears or calls.

- The missing employee will be allowed to bid at the time of his arrival, however, that persons bid cannot interrupt the current bid being placed, nor can it delay the subsequently scheduled bids.
- Bidding ends when the last, scheduled, eligible employee completes his bid. The missing employee will only be allowed to bid on positions vacant after the close of bidding.

1.5.4 Management may suspend the bidding process for security reasons at any time. Management must reschedule the bidding process within thirty-days (30).

1.5.5 If an employee does not bid on a post within the time frame or bids for a position they are unqualified for the appointing authority shall assign the employee to a vacant post after the end of Annual Shift Bidding.

1.5.6 If the officer bids on a special post and that bid is rejected due to special requirements the bidder may immediately bid on another post.

1.5.6.1 The appointing authority must notify the officer in writing within Thirty-days (30) as to why the bid was rejected.

1.6 Vacant Positions

1.6.1 Vacant positions may be filled by any appropriate administrative action authorized for personnel actions to include transfers, promotion, recruitment, demotion, or bid by seniority (Continual Bidding Process). The position is, however, available for bid at the next annual bid process.

1.6.2 If the appointing authority chooses to do so, eligible officers may submit a bid five-days (5) after a position is posted. Bidding shall close five (5) days after a position is posted.

1.6.3 The appointing authority shall assign the position to the most senior, qualified bidder based on the Annual Seniority List.

1.7. Administration

1.7.1 Documents relating to the annual bid will be in triplicate. Use Form DOC-1047.

1.7.1.1 The distribution of the bid documents are as follows:

- Officer;
- Department of Personnel; and
- Institution.

301.02 REASSIGNMENT OF POSTS

1.1 All employees will receive a minimum of five (5) working days written notice of an institutional/facility, shift, or RDO change, unless the change is based on the conditions listed in paragraphs 2.1 or 2.2.

- This notification requirement can be waived only when the affected staff request a waiver of this time.

1.2. The Appointing Authority retains the right to change a shift/post/RDO of an officer who:

1.2.1 Is under investigation for actions related to an assignment or where the alleged misconduct makes the assignment of the officer inappropriate. Managers may assign the Officer to shift/post/RDO until the investigation is concluded and the Officer is exonerated and returned to the shift/post/RDO, or further management action is taken. Management may temporarily reassign any Officer to cover the post until the Officer under investigation is exonerated and returns to his post or the position if filled permanently.

1.2.2 Proves to be unsuitable for posts with specific shift and RDOs based on their documented performance.

1.2.3 In order to be retained in a post, employees must maintain current weapons qualification. Failure to maintain qualifications in accordance with department policy will result in the employee being assigned at management's

discretion to an unarmed post. Removal of the employee does not preclude the employee from being subject to other actions in accordance with departmental policy.

1.2.4 Staff who receive a modified duty assignment from a designated health care provider may be moved on a temporary basis, if they cannot perform the duties of that position.

- Upon reinstatement to full duty, the staff will be returned to their former position.

1.2.5 Staff may be administratively transferred to another position when a Nepotism issue arises, regardless of seniority. Refer to the Department's Administrative regulation 346.

- Staff may be denied their bid request if a nepotism issue is present.
- Further, requests shall be considered at that time until a position is found where this issue is not present.

REFERENCES

AR 322

ATTACHMENTS

Memorandum Bid for Shift, Form DOC-1047

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.